

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

PODBIELSKI

Serial No.: 09/494,297

Examiner: R. Swartz

Filed: January 31, 2000

Art Unit: 1645

For: COLLAGEN-BINDING PROTEINS FROM
STREPTOCOCCUS PYOGENES

Docket No.: P06628US0/BAS

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**PETITION TO RESET PERIOD FOR REPLY DUE TO
LATE RECEIPT OF AN OFFICE ACTION**

Honorable Commissioner for Patents
Washington, DC 20231

S I R:

Pursuant to MPEP 710.6 and the Letter dated January 16, 2002 from Commissioner for Patents Nicholas P. Godici, Applicant hereby Petitions for the resetting of the period for response for the Official Action dated October 19, 2001, but which was not received until January 22, 2002.

Pursuant to MPEP 710.6 (A), Applicant is filing this petition within two weeks of the date of receipt of the Office action at the Applicant's representative's correspondence address. Pursuant to MPEP 710.6 (B), a substantial portion of the set reply period had elapsed on the date received, particularly in that the date of receipt (January 22, 2002) was more than three months following the issue date of the Action (October 19, 2001).

Finally, pursuant to MPEP 710.6 (C) submits as evidence of the date of receipt a copy of the action as received at the correspondence address on January 22, 2002 showing the stamped-in date of January 22, 2002, and in addition includes the following statement:

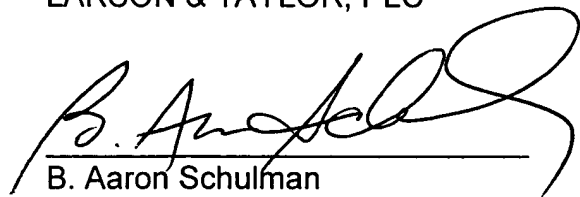
STATEMENT OF DATE OF RECEIPT

Applicant states that on January 22, 2002, the Official Action dated October 19, 2001 (copy attached hereto with the cover sheet showing the stamped-in date) was received at the correspondence address for the above case, namely the Law Offices of Larson & Taylor, 1199 North Fairfax Street, Alexandria, Virginia, 22314, the counsel for Applicant in the above application. As is the usual practice of Larson & Taylor, all mail received from the US Post Office is hand-stamped on the date of receipt. As is shown in the attached copy of the Official Action, the Action dated October 19, 2001 was received on January 22, 2002 and was accordingly hand-stamped with this date.

In view of the foregoing, Applicant submits that pursuant to MPEP 710.6 that the period for reply for the action dated October 19, 2001 be reset accordingly, and such action is earnestly solicited.

Respectfully submitted,

LARSON & TAYLOR, PLC

A handwritten signature in black ink, appearing to read "B. Aaron Schulman", written over a horizontal line.

B. Aaron Schulman
Registration No. 31,877

Date: February 5, 2002

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

Dear Patent Practitioner,

The USPTO and the patent community have experienced considerable difficulties since mid-October 2001 due to delays in the delivery of mail by the US Postal Service. I want to assure you that the USPTO is making every effort to deal with this situation in ways that avoid any undue burden upon applicants. Over the last few weeks we have seen an increase in the volume of backlogged mail being delivered and we are working very hard to process this mail as quickly as possible. I ask that you bear with us during this challenge and work with us to the extent possible to minimize the impact of these mail delays.

Unfortunately the decontamination process has damaged some of the mail recently delivered to the USPTO. For example, some patent application papers and drawings including photographs have been stuck together and cannot be separated. Some computer discs have been damaged. Some labels have been blackened so that the text on them cannot be read and some papers have been yellowed and are brittle. The amount of damaged mail is small, about 5%, and the senders are being contacted to supply a duplicate when necessary. Additionally, no application is being held abandoned without us first calling the applicant to ensure that a reply has not been delayed in the mail.

I also understand that there has also been some concern from practitioners that outgoing mail from the Office may have been delayed in some instances. Currently, the USPTO is requesting that applicants follow the procedure set forth in Manual of Patent Examining Procedure (MPEP) 710.06 to establish a delay in receipt of mail if they want to request that the period for reply be reset.

Please consult the USPTO Internet web site (<http://www.uspto.gov>) for updated information on Technology Center facsimile numbers, surface mail alternatives, and other announcements concerning mail delays. Some notices related to the mail delays that have been recently posted on the USPTO web site are listed on the attached table. Section 511 of the MPEP will be revised to state that in the event of a postal emergency an announcement will be placed on the USPTO web site. Note also that the entry of a paper into an application file can be confirmed by checking the PAIR system via our Electronic Business Center on our web site.

Questions related to mail difficulties should be directed to the Office of Patent Legal Administration, by telephone at (703) 308-6906. Alternatively, the questions may be sent via e-mail to PatentPractice@uspto.gov.

Thank you for your continued cooperation as we deal with this difficult situation.

1/16/02
Date

Nicholas P. Godici
NICHOLAS P. GODICI
Commissioner for Patents

Enclosure: Table of Recent Notices